6/10/72

Dear Bud,

There is a kind of fascination in the Jimmy Roberts card to James. The copy has just reached me.

First of all, it would tend to show that James knows the people whose last initials only are mentioned. OK is they are prisoners at Petros.

Next, I'd presume that Roberts had been jailed at Petros with Jimmy, for he knew the box number of the pen.

But why airmail a card? One that seems to have no special message? The most I can, offhand, read into the printed legend, "Just Don't Pop Up Every Day" is a crack about breaking out.

If it does nothing else, this may identify some of James' present pals. These are not the names of the two I got through him.

But you'd think a former inmate and a friend would know that he can get only certain letters, that one addressed by someone not on his list would not reach him.

Do you or Jim have any hunches?

It is possible that instead of sending the Keep it Cool message TO James E., Robert J. Don H., Jimmy Roberts might be sending greetings from them, I suppose.

The 91735 zip is, I think, in the L.A. area. The copy is not clear. The return address seems to be south El-Monte. El Monte is L.A. That's where Larry Howard and Gerry Hemming both live.

Best,

The Frankel v SEC FOI CA decision is interesting and can be hurtful, but I think a proper construction does not address most of our interests. It begins describing "a non-public investigation". The contents were neither used nor disclosed, that is, the contents of what was sought. And I think that despite the consent decree, there remained the possibility of further violation that would require SEC to resume its investigation and possible action flowing from it. Or, there remained law-enforcement purposes in the file. And the court emphasized that other remedy was available to the plaintiff under the Federal Rules of Civil Procedure.

I don't think this is a good decision or a helpful one, particularly not because the court below had ordered only in camera inspection.

But the case does not seem to me to parallel the Ray or Warren Commission materials nor any other in which there is either final action or any kind of public use. However, where the plaintiff was denied copies of what was the basis for the suit SEC instituted, that may be bad.

HW